

# Meeting Minutes

## Planning & Zoning Commission

### January 28, 2021

The Planning & Zoning Commission met in a regular session on January 28, 2020 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico via Zoom at <https://us02web.zoom.us/j/83289559856>.

**P&Z Members Present:**

Chair-Joyce Cardon  
Vice Chair-Clint Freeman  
Ryan Brown  
Elizabeth Lockmiller  
Cheryl Ragsdale  
Mitch Sewell  
Gary Smouse  
Cody Waldroup

**P&Z Members Absent:**

Shay Davis

**Staff Present:**

Anita Vigil  
Beth Escobar  
Michael Safrany  
Elizabeth Sandoval

**Others Who Addressed the Commission (Via Zoom Virtual Platform):**

Michael Smith  
Don Becker

**Call to Order**

Chair Joyce Cardon called the meeting to order at 3:00 p.m. There being a quorum present the following proceedings were duly had and taken.

**Presentation & Approval of the Agenda**

There were no changes to the agenda. A motion was made by Commissioner Sewell and seconded by Commissioner Smouse. A roll call vote was taken and this motion was approved unanimously by an 8-0 vote.

**Approval of the Minutes**

A motion was made by Commissioner Ragsdale and seconded by Commissioner Waldroup to approve the minutes of the January 14, 2021 P&Z Meeting. A roll call vote was taken and this motion was approved unanimously by an 8-0 vote.

**Swearing in of Witnesses**

Witnesses were sworn in by Elizabeth Sandoval, Administrative Assistant.

**Petition No. PP 20-59 – Scales Subdivision**

Beth Escobar, Planning Manager, presented Petition No. PP 20-59.

Applicant: Michael L. Smith

Representative: Alex Johnson, Johnson Mapping & Surveying

Location: Parcel No. R0010977, Flora Vista

Existing Zoning: N/A Unincorporated San Juan County

The applicant is requesting Preliminary Plan approval per Section 8.8.9.D of the Unified Development Code. The Preliminary Plan review provides for identification of any issues and determination of compliance with all regulations. The Planning & Zoning Commissions is being asked to make a recommendation. Council provides final approval of a Preliminary Plan. The Final Plat may then be submitted.

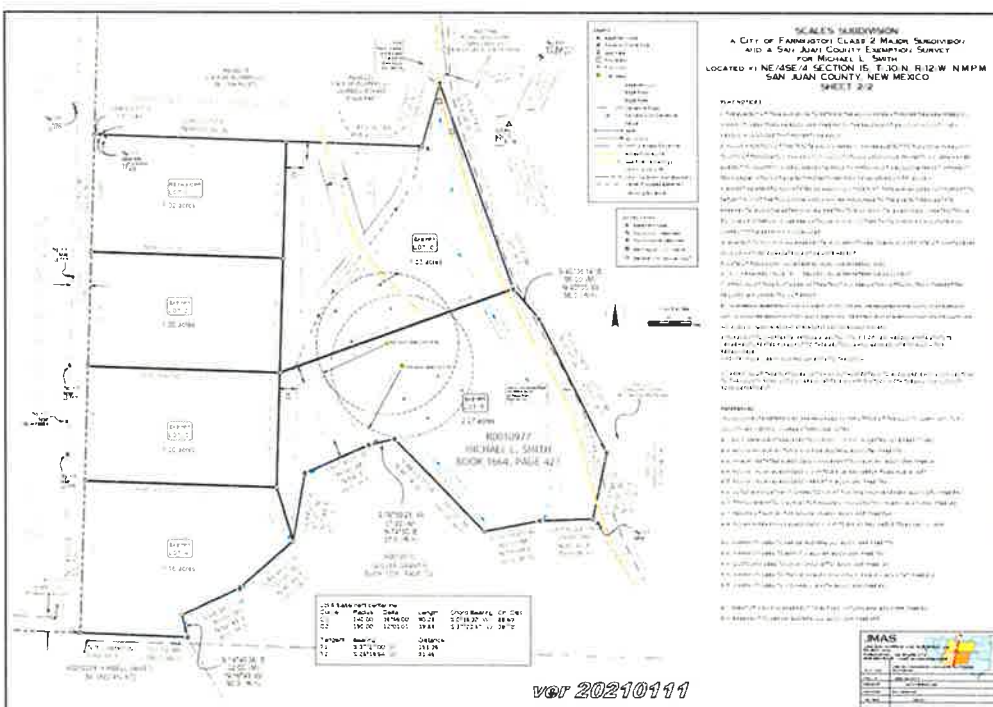
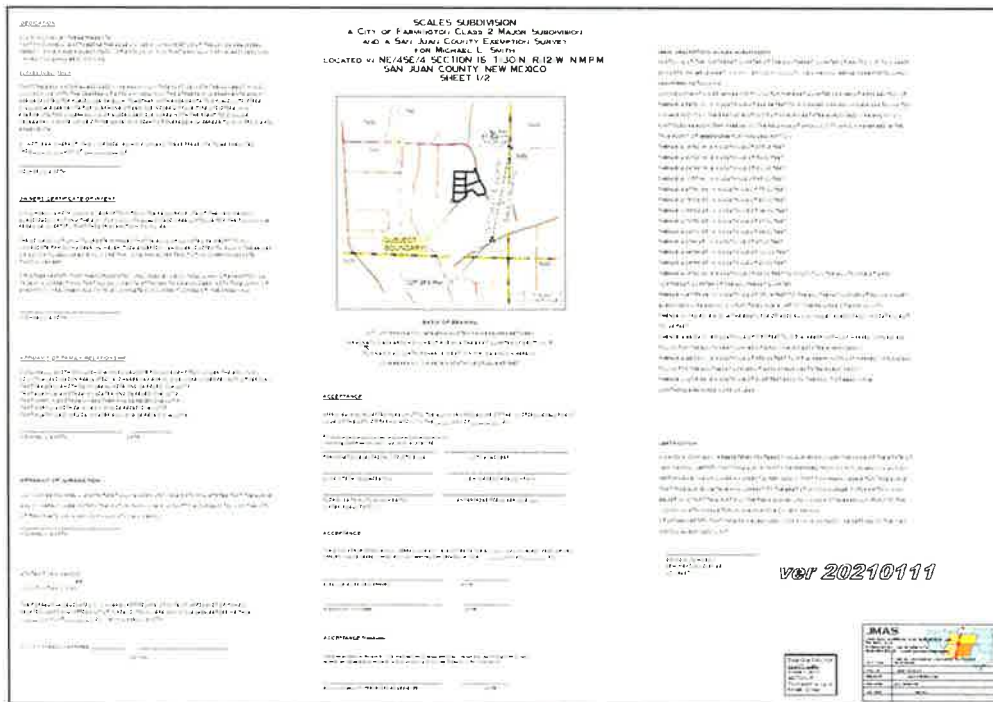


The petitioner is requesting preliminary plan approval for the Scales Subdivision, a 6-lot exemption plat. Property is located in Flora Vista, in unincorporated San Juan County. Newly created parcels will be transferred to family members. Lots 5 & 6 are encumbered by existing gas well infrastructure and a ditch easement. Lots 1-4 are proposed to face an undeveloped 25-foot wide public street platted in the Round Valley Subdivision.

Through staff review, the plat as presented does **not** meet the following development standards and design and improvement requirements of the UDC:

1. Section 6.4.5.2: Each lot must front upon a public street with a right-of-way width of not less than 50 feet.
  - a. Lots 1, 2, 3 & 4 front South Hillside a 25-foot wide public street.
  - b. Lots 5 and 6 front an undedicated portion of County Road 3450.
2. Section 6.5.3.A: Streets in Tier 2 for Class 3 subdivisions shall be all weather, gravel or crushed stone base. Double penetration chip seal surface with a road surface width of not less than 24 feet and an eight-foot shoulder on each side.
  - a. South Hillside is currently undeveloped, with a dirt surface.

The petitioner is requesting waivers to the referenced requirements of Section 6.4.5.2 & 6.5.3.A of the UDC. The proposed access for lots 1-4, Hillside Drive, is 25 feet wide which does meet fire code requirements. The southern terminus of Hillside Drive would be required to have an approved turnaround. County Road 3450, providing access to lots 5 & 6, is also 25 feet wide. Surfaces for both roads would need to be confirmed for adequacy by the Fire Department.



**Staff Conclusion**

Staff concludes approval of Petition 20-59, Scales Subdivision is **not** appropriate as the application is not in compliance with the City of Farmington development standards, subdivision regulations and fire code requirements.

**Staff Recommendation**

The Community Works Department recommends **denial** of Petition 20-59, a request from Michael Smith for preliminary plan approval for the Scales Subdivision, a proposed subdivision of a 8.67-acre lot located in Flora Vista, and unincorporated area of San Juan County.

**Discussion**

Vice Chair Freeman asked if lots 1, 2, and 3 on the plat are usable with a drawn access road.

Planning Manger Escobar stated that was correct, that there is an easement from Hillside Road to lots 5 and 6.

Vice Chair Freeman asked if the country road to the west is not accessible.

Planning Manager Escobar stated that the county road does not meet standards; it is not a dedicated portion of that county road, which would bring up the question of maintenance. The Engineering Division has asked that the petitioner show a cross access easement for lots 5 and 6.

Commissioner Smouse asked if the road is 25' wide.

Planning Manager Escobar stated that Hillside is 25' wide. With the aerial photo pulled up, Planning Manager Escobar pointed out the row of existing houses and stated that Hillside is the dirt road that goes north to south, Road 3641 on the aerial map. Planning Manager Escobar stated that the road between Road 3450 and Road 3641 was an access to the gas infrastructure.

Vice Chair Freeman asked if that road was on the petitioner property.

Planning Manager Escobar stated that the road is on the petitioner's property.

Commissioner Waldroup asked how the other side of Hillside is accessed.

Planning Manager Escobar stated that there is another connection with 516.

Vice Chair Freeman asked what the cross street at the top of the aerial on the north.

Planning Manager Escobar stated that was not an improved street and Round Valley Subdivision was platted but the roads were never improved.

Commissioner Waldroup asked if the roads were supposed to be improved.

Planning Manager Escobar stated yes, according the plat.

Vice Chair Freeman asked if Road 3461 meets requirements.

Planning Manager Escobar stated that Road 3461 does not meet the City of Farmington's requirements. Ms. Escobar also stated that the San Juan County is treating this petition as an exemption plat and does not have any requirements. The concern is that this location is a few miles from Farmington Lake and could potentially be annexed. If annexation does happen the City of Farmington would inherit any subgrade infrastructure in the area.

Vice Chair Freeman asked if staff sees any means of being able to approve this petition.

Planning Manager Escobar stated that she would ask that the petitioner be heard at this point. There have been two separate meeting that have taken place with the petitioner and the Engineering Department to discuss alternatives for the petitioner to consider.

Michael Smith, petitioner, stated that he has reviewed the staff comments and the agenda. Mr. Smith stated the street that is being called Hillside is 3461, that is not a street that is adjacent to the property; it is 50' wide, not 25' wide. The street that is adjacent to the property, which is 25' wide, is called Crescent Avenue, which runs along the eastern boundary of Round Valley Subdivision, which is shown as 3641 on the aerial photo. Road 3450 is a two lane paved county road. The subdivision to the north of the property that we are talking about is called Amburn Estates Subdivision. The road that runs east of Road 3461 and ties into Road 3641 is called Hill Lane. In November of 2015, Amburn Estates and Flora Vista Hillside Estates were presented identical to this proposed plat being heard today; at that time there were no requirements made during the time of the approval of

Amburn Estates Subdivision and Flora Vista Hillside Estates. Mr. Smith stated that in comments he has received, Walnut Avenue and Hillside Drive are being required to be brought up to standards, while there is no intention to use Walnut Avenue or Hillside Drive to access Scales Subdivision. The ingress of Scales Subdivision would be from Clover Avenue, a 25' dedicated right-of-way on the Round Valley plat, tying into Crescent Drive, also 25'. Mr. Smith stated that he realizes that the road will need to be built and suggests that the road be constructed within the boundaries of the width of the road that is dedicated and with compacted road base surface with proper drainage on each side. Mr. Smith stated that the correct road is Road 3641, Crescent Drive, as well as Over Avenue and not Hillside Drive, Road 3461.

Planning Manger stated that on the plat that was submitted Road 3641 is labeled Hillside.

Mr. Smith stated that was an error on the company who prepared the plat. That error set aside, Road 3641 is Crescent Drive and an unconstructed road. Mr. Smith stated that he has two goals for today, one being to convince everyone that in the past two meeting, two plats have been approved by the City of Farmington without requirements, and the Scales Subdivision petition should be approved without requirements. The second goal is to convince the City of Farmington to participate in the meeting that will be held with San Juan County and try to develop a way to do away with the family exemption process.

Vice Chair Freeman asked Mr. Smith if the proposal for lots 1, 2, 3, and 4 is to not have access from 3641, but to access the lots off 3450 and come across to lots 5 and 6 that will be uninhabitable.

Mr. Smith stated lots 5 and 6 are accessed off an easement off of 3450.

Vice Chair Freeman asked if lots 5 and 6 were buildable lots.

Mr. Smith stated that lots 5 & 6 were buildable lots.

Vice Chair Freeman stated that he was confused by the roads that were drawn across lots 5 & 6 on the plat.

Mr. Smith stated that the well site and a ditch run through lots 5 & 6. The proposal is that lots 1 – 4 will be accessed through Road 3641 to Clover Drive or possibly Hill Drive.

Vice Chair Freeman asked where Hill Drive was located.

Mr. Smith stated that Hill Drive is located north on the aerial photo and is a dirt road with a 50' wide easement. Mr. Smith stated that he is not sure if Clover Drive is constructed at this time and that Hill Lane may be used to intersect Crescent to service Amburn Estates and lots 1-4 on Scale Subdivision.

Vice Chair Freeman asked which the better egress is for the people living in the area.

Mr. Smith stated that terrain makes it difficult to access lots 1-4 from Road 3450. Mr. Smith stated that there are 2 lots on Amburn Estates that are served by Crescent which is Road 3641, the road on the south would possibly be used to access lots 1-4 on the Scales Subdivision.

Vice Chair Freeman asked if there was a grading plan.

Commissioner Smouse asked what the purpose of the road is that is to be constructed across lots 5 and 6 if Crescent is to be used to access lots 1-4.

Mr. Smith stated that the purpose of the road is to service lots 5 and 6 only.

Commissioner Smouse asked if Mr. Smith has done anything to satisfy the request of the engineer in regards to the oil field that is located on lot 6. Commissioner Smouse asked if the oil field is active.

Mr. Smith stated that the well site is active.

Planning Manager Escobar stated that Johnson Mapping and Surveying did respond to the engineering request to show building envelopes for lots 5 and 6, which meet the setback requirements.

Vice Chair Freeman asked what the square footage was of the building envelope.

Planning Manager Escobar stated that she did not have that information at this time.

Mr. Smith stated that the lot is 2.27 acres.

Commissioner Waldroup asked how far back the road will need to be developed on Crescent.

Mr. Smith stated the road has not been constructed yet and the road easement will be developed from Hill Lane north, to the northwest corner of lot 4.

Commissioner Waldroup asked if from Hill Lane the connection will be from Road 3450 to Road 3461.

Mr. Smith stated that Road 3450 makes a loop, runs east and crosses over the ditch.

Commissioner Waldroup stated that on the plat, the small map, 3450 north makes the westerly loop; the road dropping down is 3461. Commissioner Waldroup asked Mr. Smith if that is the road that is going to give access to Hill.

Mr. Smith stated that was correct.

Chair Cardon asked Mr. Smith a simplified message for his second goal.

Mr. Smith stated that he would like consistency in the approval process. There have been two subdivision plans approved in November of 2015, Amburn Estates and Flora Vista Hillside Estates. The current requirements for road construction materials for Scale Subdivision were not imposed on the two subdivisions that were approved prior.

Vice Chair Freeman asked Mr. Smith if he had a pavement design he could recommend or propose, should a waiver for the chip seal be granted.

Mr. Smith stated that he does not.

Vice Chair Freeman asked Mr. Smith if he would agree to state that he would use an equivalent material for the road to what is being required, to secure a waiver.

Mr. Smith stated yes, an engineered road surface could be provided.

Planning Manager Escobar reminded the Commission that they do not have the authority to waive the fire code; verbiage can be provided that fire code standards must be met and work with the Fire Department to meet those standards.

Mr. Smith stated that he recalls the Fire Department requirement that the road support a 75,000 lb. truck.

Planning Manager Escobar stated that was correct, as well as supply a turnaround for the fire truck.

Commissioner Sewell asked if the reference to the Fire Department were in reference to the City of Farmington Fire Department or San Juan County Fire Department.

Chair Cardon stated that she believed the City of Farmington services the area.

Commissioner Waldroup asked if the City of Farmington services that area.

Planning Manager Escobar stated that the City of Farmington and San Juan County Fire Department have the same requirements.

Chair Cardon asked if San Juan Country Fire Department services that area.

Planning Manager Escobar stated that was correct.

Vice Chair Freeman stated that the Commission could not necessarily waive, but say the developer may develop a pavement section that meets the fire departments requirements.

Mr. Smith stated that the word pavement keeps being used and he not proposing any pavement. Mr. Smith asked if the Commission means pavement.

Chair Cardon stated no, the Commission is suggesting that a plan be made that is equal to the chip design and only waive the road base. Chair Cardon asked Vice Chair Freeman if that was correct.

Vice Chair Freeman stated that Mr. Smith could come up with a design that meets the same loading requirements that doesn't involve chip seal.

Chair Cardon asked Mr. Smith if he understands that the Commission cannot grant a wavier for any requirements the fire department requests.

Mr. Smith stated yes, he understands.

Planning Manager Escobar asked if the Commission would look at page 4, where there is a list of items that the Commission can waive, the access to a publicly dedicated road of 50' is listed.

Commissioner Waldroup asked how that can be done if there is not a road of 50'.

Planning Manager Escobar stated that the Commission can grant a waiver to that, with the understanding that it is not the standards of the City of Farmington. There is an option to take 25' off of the western road of lots 1-4, because we are not talking about lot size requirements.

Commissioner Waldroup asked what the point would be of taking off the lots if the access roads don't require it.

Planning Manager Escobar stated that it was a start.

Commissioner Waldroup asked how Amburn Estates was approved and if they had a plat that changed the road way.

Planning Manager Escobar stated that she could say that it went through the process and was approved but could not answer why the regulations were not met for the previous subdivisions.

Commissioner Brown asked Mr. Smith aside from the fire issues are there any other issues of the plan that is proposed by staff.

Mr. Smith asked if the comments on page 4 were all the comments that were made by staff.

Planning Manager Escobar stated that was correct.

Planning Manager Escobar stated the City of Farmington would not accept any dedication of substandard roads. Unless the roads meet the standards of the City of Farmington subdivision regulations, the roads will remain private.

Mr. Smith asked what the meaning of public road is, in regards to the note of lot must front a public street.

Planning Manager Escobar stated that public streets are maintained and private streets are not maintained.

Mr. Smith stated that the road coming off of 3450, that service lots 5 and 6, is a public road that is privately maintained by the lot owners.

Planning Manager Escobar stated then the road would have to remain a private road.

Commissioner Waldroup asked if the road on Hill that comes into 3461 would have to be built.

Planning Manager Escobar stated that that is an obligation that they have to the subdivision to the north, Amburn Estates.

Mr. Smith stated that he is committed to building the road on 3641 to service two lots on Amburn Estates and four lots on Scale Subdivision.

Commissioner Waldroup asked if it is a private road then why does the road have to meet fire department regulations.

Planning Manager Escobar stated that the road is still an access easement; the fire department requires 25' in access.

Vice Chair Freeman asked Mr. Smith if he agrees with the standard of Road 3641 being built as a 25' road with an 8' easement on each side.

Mr. Smith stated that he does not own that road but it does have to be built and he does not know if it would be a big issue.

Planning Manager Escobar stated that if the Commission is not comfortable moving this petition forward, a revised preliminary plan can be requested, showing the answers to some of the questions the Commission have had in this meeting. Some examples are access to north is not shown on the current plan, the required cul-de-sac is not shown either. The Commission can also choose to move the petition forward stimulating those conditions.



Chair Cardon stated that she would like to poll the Commission on if they would like to move the petition forward or if they would like additional information and revised plans before doing so.

Commissioner Brown stated that he cannot move forward without revised plans.

Commissioner Waldroup stated that he understands enough and does not have a problem moving the petition forward with the stipulations.

Commissioner Ragsdale stated that she would like to see plans that show the same street names of the streets that are being referred to.

Chair Cardon stated that she would be fine moving the petition forward but also understands the need for clarity on the plans.

Vice Chair Freeman stated that he agrees with Chair Cardon and tabling this petition and redrafting the plan there will be a lot of clarity. Vice Chair Freeman stated that he would like to see the plat of the overlay on the lot above, clarification to the road names and showing the cul-de-sac.

Commissioner Lockmiller stated that she would like to see a revised plan.

Commissioner Smouse stated that he is not comfortable moving forward and would like to see a revised plan and would like some insight from staff on the previous petitions that were approved.

Commissioner Sewell stated that he would like to see revised plans.

A motion was made by Vice Chair Freeman and seconded by Commissioner Waldroup to **table** Petition No. PP 20-59, request from Mike Smith, property owner, represented by Alex Johnson of Johnson Mapping and Surveying, for a preliminary plan review of a six-lot subdivision in Tier 2 of the Planning & Platting Jurisdiction of the City of Farmington, property is located in Flora Vista, and unincorporated city within San Juan County, to be heard at a later date, until further documentation can be submitted for clarification of the maps and the names of the streets, once determined by the developer and the City of Farmington.

A roll call vote was taken and this motion was approved unanimously by an 8-0 vote.

**Business from the Floor:** There was no business from the Floor.

**Business from the Chair:** There was no business from the Chair.

**Business from the Members:** There was no business from the Members.

**Business from Staff:** Planning Manager Escobar stated that City Council unanimously adopted the Planning & Zoning Commission's recommendations of approval for Little Creek Phase 7.

Planning Manager Escobar introduced Mike Safrany, Associate Planner.

Commissioner Smouse asked if during the meeting when the Commission is having conversations, the mic of the participants could be muted.

Planning Manager Escobar stated that would be worked on and at future meetings possibly formally announcing the end of the discussion with the petitioner and announcing discussion of the Commission.

Commissioner Smouse also stated that the attachments that are provided are difficult to read and bigger plans would be helpful.

Planning Manager Escobar stated that large plans would be provided moving forward.

Chair Cardon asked that clarification of who has the deciding factor in each matter would be noted.

**Adjournment:** With no further business and a motion by Commissioner Sewell and seconded by Vice Chair Freeman, the Planning & Zoning Commission meeting of January 28, 2021 was adjourned at 4:25 p.m. A roll call vote was taken and this motion to adjourn was approved by an 8-0 vote.

  
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Joyce Cardon  
Chair

  
\_\_\_\_\_  
Elizabeth Sandoval  
Administrative Assistant